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EXTRAORDINARY

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GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(IRRIGATION WORKS BRANCH)

NOTIFICATION

The 21st July, 2023

No. WR-IRWR09/130/2023-IW2/251.-

1.0 Sh. Kuldeep Singh Khara and others filed Original Application No. 861 of 2022 before the National Green Tribunal, inter-alia, raising a grievance that there is a Canal i.e. Sidhwan Canal passing through Ludhiana and that is highly polluted due to dumping of the plastic bags, polyester cloths waste, other non-biodegradable material etc. and there is huge encroachment also in its side. In the aforesaid matter, the Principal Bench of the National Green Tribunal, New Delhi passed various directions vide order dated 20.2.2023. Para 9 of the aforesaid directions reads as under:-

"9. Municipal Corporation shall also mention specifically in its reply as to what time it will take in completion of the work of removal of garbage from the bed of Sidhwan canal and also for shifting of the said waste collection site to another place for preventing disposal of waste into canal and regulate encroachment of any on both sides of the canal. The Irrigation and Flood Canal Department may demarcate and notify no Development Zone on both sides of the canal".

2.0 In order to make compliance of the aforesaid directions of the National Green Tribunal, the matter has been examined in the light of provisions contained in the Northern Canal and Drainage Act 1873. According to sub section 11 of Section 70 of the said Act, trespassing is an offence and contents of section are reproduced below:-

*"Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:-
(11) passes or causes animals or vehicles to pass, on or across any of work's banks or channels of a canal or drainage work contrary to rules made under this Act after he has been desired to desist therefrom:*

Shall be liable on conviction before a Magistrate of such class as the State Government directs in this behalf, to a fine not exceeding (one hundred) rupees or to imprisonment not exceeding on month, or to both.

3.0 In order to prevent unlawful activities around the Sidhwna Canal flowing in the State of Punjab, it is hereby declared that the provisions of sub section 11 of Section 70 of the Northern Canal and Drainage Act 1873 shall be applicable on Sidhwan Canal (water way) and its both sides (left and right) from RD 50184 to 88000 from coping of canal till dowel 5.91 feet width. It is further declared that the violators, if any, are liable to be dealt with in accordance with the aforesaid provisions of the said Act of 1873.

4.0 It is further declared that no developmental or other kind of activities upon the land around the Sidhwan Canal as specified in para 3.0 of this notification shall be carried out by any individual, builder or any government/non-government organization without prior permission of this Department failing which it shall be presumed to have violated the above said provisions as contained in sub section 11 of section 70 of the Act *ibid* and such violators shall be liable to be proceeded against accordingly.

5.0 The concerned Canal Officer (concerned Executive Engineer) shall ensure compliance of the directions of the National Green Tribunal. The said Canal Officer is authorized to lodge necessary complaints against the violators of these directions before the competent court of law.

Sd/-

KRISHAN KUMAR

Principal Secretary to the Government of Punjab,
Department of Water Resources.